

REMARKS

Claims 7-24 are canceled without prejudice or disclaimer. Claims 1-6 were previously canceled. Claims 25-47 are added, and are supported throughout the specification as filed including, e.g., page 1, lines 2-6, page 1, line 24 to page 2, line 35, Example 1 and the original claims.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

I. Status

Applicants acknowledge with appreciation the Examiner's entry of the prior Request for Continued Examination and examination of the claims entered therein.

Applicants also acknowledge with appreciation the Examiner's telephone conversation with the undersigned on November 30, 2009 regarding the designation of the instant Office Action. In particular, Applicants acknowledge the Examiner's statement that the instant Office Action is a non-final Office Action, as indicated in the check box of the Office Action Summary, rather than a final Office Action, as stated in the Office's PAIR database. Applicants also request that for clarity of the record, the status of the instant Office Action be changed in PAIR to reflect that it is in fact a non-final Office Action.

II. The Rejection of Claims 21-24 under 35 U.S.C. 112, Second Paragraph

Claims 21-24 stand rejected under 35 U.S.C. 112, second paragraph as allegedly being indefinite in the recitation of "increasing the volume or the crumb color." In particular, the Examiner states that increasing the crumb color does not appear to be desirable. This rejection is respectfully traversed.

To expedite prosecution, Applicants have amended the claims to clarify that the claim is directed to improving crumb color, and respectfully submit that the rejection is obviated thereby.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112, second paragraph. Applicants respectfully request reconsideration and withdrawal of the rejection.

III. The Rejection of Claims 7-24 under 35 U.S.C. 103

Claims 7-24 remain rejected under 35 U.S.C. 103 as allegedly being unpatentable over JP 2622563 ("R1") in view of JP 58190346 ("R2") and US 4,567,046 ("R3") for reasons of record. Claims 7-24 also stand rejected under 35 U.S.C. 103 as allegedly being unpatentable over USPN 3,711,297 ("R4") in view of JP 55153549-A Abstract ("R5"). This rejection is respectfully traversed.

The amended claims are directed to a process for preparing an edible product, comprising adding a lipoxygenase and a lipolytic enzyme active on polar lipids to a dough, leavening, and heating the dough, wherein the lipoxygenase and the lipolytic enzyme are added in amounts producing a synergistic effect on the volume of the edible product, wherein the lipoxygenase is derived from *Ascomycota*.

Applicants respectfully submit that none of R1, R2, R3, R4 or R5, alone or in combination, teach or suggest the claimed invention.

Moreover, Applicants submit that even if a *prima facie* case is assumed to have been established (which Applicants do not concede), such a *prima facie* case is overcome by the unexpected results achieved with the instant invention, i.e., the synergistic effect of the combination of the lipoxygenase derived from *Ascomycota* and the lipolytic enzyme.

As set forth in the MPEP, greater than expected results are evidence of nonobviousness. MPEP 716.02(a). Evidence of a greater than expected result may be shown by demonstrating an effect which is greater than the sum of each of the effects taken separately (i.e., by demonstrating "synergism"). Applicants have so demonstrated. Moreover, the greater than additive effect demonstrated by Applicants is unexpected.

In this regard, Applicants direct the Examiner's attention to the table in Example 1 of the specification as filed. Reference bread baked from dough having phospholipase only has a specific volume of 4.78 mL/g and 111%. Reference bread baked from dough having lipoxygenase (LOX) only has a specific volume of 4.45 mL/g and 103%. In contrast, the bread baked from dough according to the invention having phospholipase and LOX demonstrates a synergistic effect on volume, having a specific volume of 5.06 mL/g and 117%. Moreover, the bread baked from dough according to the invention has improved crumb color as compared to the bread baked from reference doughs.

For the foregoing reasons, Applicants submit that the claims overcome the rejection under 35 U.S.C. 103. Applicants respectfully request reconsideration and withdrawal of the rejection.

IV. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

All required fees were charged to Novozymes North America, Inc.'s Deposit Account No. 50-1701 at the time of electronic filing. The USPTO is authorized to charge this Deposit Account should any additional fees be due.

Respectfully submitted,

Date: April 12, 2010

/Kristin McNamara, Reg. # 47692/

Kristin J. McNamara, Reg. No. 47,692

Novozymes North America, Inc.

500 Fifth Avenue, Suite 1600

New York, NY 10110

(212) 840-0097